

#26: Struck by – Inspection #1094313

A **32 year old male** employee was fatally injured when he was struck by a tree as it was being pulled by a skidder. The victim's responsibilities for the logging company were to cut the limbs off the felled trees with his chainsaw. On the day of the accident, the owner of the company was operating a Franklin Q80 skidder with a grapple jaw to move the felled trees into stacks where they could be pulled to the landing zone to be cut, and placed onto a tractor trailer. Approximately 10-12 logs were stacked in the pile. The skidder operator was in the process of grabbing a 90 foot long log that was on top of the pile, while the victim was standing near an adjacent tree approximately 12 feet from the stack of logs, working on installing a new chain for his chainsaw. The skidder operator began to pull forward in the northwest direction toward the landing zone. The operator looked at the victim to make sure he was out of the way of the log. They made eye contact, and the victim took a few steps back from his chainsaw lying on the ground, so that the tree he was standing near would block any stuck by hazards as the log was being pulled. The skidder operator proceeded in the northwest direction, and the log swung in the southwest direction, striking the victim standing by the tree resulting in fatal injuries. The skidder operator explained that he had thought the victim had moved back up to his chain saw to grab it as the log was pulled. The victim was airlifted to a hospital and died several days later due to his injuries. During the investigation, it was determined that the company did not have a system to communicate with employees in the area to ensure everyone was at a safe distance when the logs are being moved.

Citation(s) as Originally Issued

A complete inspection was conducted at the accident scene. Some of the items cited may not directly relate to the fatality.

Citation 1 Item 1a

29 CFR 1910.132(d)(2)	The employer did not verify, through a written certification, that the required workplace hazard assessment had been performed. In that there was not a written certification of the workplace hazard assessment having been conducted.
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Citation 1 Item 1b

29 CFR 1910.266(d)(1)(vii)(A)	The employer did not provide, at no cost to the employee, an ensure that each employee wear eye protection meeting the requirements of subpart I of Part 1910 where there was potential for eye injury due to falling or flying objects. In that eye protection was not provided to employees that operate chainsaws exposing them to being struck by flying objects and debris.
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Citation 1 Item 1c

29 CFR 1910.266(d)(1)(vii)(B)	The employer did not provide, at no cost to the employee, an ensure that each employee wear eye protection meeting the requirements of subpart I of Part 1910 where there was potential for facial injury such as, but not limited to, operating a chipper. In that face protection was not provided to employees that operate chainsaws exposing them to flying objects and debris.
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Citation 1 Item 2

29 CFR 1910.266(h)(5)(i)	Logs were moved without employees being in the clear. In that an employee was fatally injured due to not being in the clear as an approximate 90 foot log was being moved by a Franklin skidder.
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Citation 1 Item 3a

29 CFR 1910.266(i)(3)	The training provided by the employer did not include the elements specified in 1910.266(i)(3)(i) through (vi). In that the employees had not received training on logging operations.
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Citation 1 Item 3b

29 CFR 1910.266(i)(10)(i)	The employer did not verify compliance with paragraph (i) of this section by preparing a written certification record containing the name or other identify of the employee trained, the date(s) of the training, and the signature. In that the employee training for logging operations had not been certified.
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Citation 1 Item 4

29 CFR 1910.266(i)(7)(i)	The employer did not assure that each employee, including supervisors, had received first-aid and CPR training meeting at least the requirements specified in Appendix B. In that the logging employees were not trained in first aid and CPR.
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Citation 2 Item 1a

29 CFR 1910.1200(e)(1)	The employer did not develop, implement, and/or maintain at the workplace a written hazard communication program which describes how the criteria specified in 29 CFR 1910.1200(f), (g), and (h) will be met. In that a written hazard communication program was not established for the employees that use gasoline, diesel fuel, antifreeze/coolant, chain lubricant, and hydraulic fluid.
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Citation 2 Item 1b

29 CFR 1910.1200(e)(1)(i)	The written hazard communication program did not include a list of the hazardous chemicals known to be present, using an identity that was referenced on the appropriate material safety data sheet. In that a list of hazardous chemicals did not exist in the workplace including: gasoline, diesel fuel, antifreeze/coolant, chain lubricant, and hydraulic fluid.
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Citation 2 Item 1c

29 CFR 1910.1200(g)(8)	The employer did not ensure that material safety data sheets were readily accessible to the employees in their work area during each work shift. In that there was not a safety data sheet for all of the hazardous chemicals in the workplace including gasoline, diesel fuel, antifreeze/coolant, chain lubricant, and hydraulic fluid.
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Citation 2 Item 1d

29 CFR 1910.1200(h)(1)	Employees were not provided effective information and training on hazardous chemicals in their work area at the time of their initial assignment and whenever a new hazard that the employees had not been previously trained about was introduced into their work area. In that employees had not received training on the hazards associated with the chemicals used in the workplace including gasoline, diesel fuel, antifreeze/coolant, chain lubricant, and hydraulic fluid.
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Citation 2 Item 2

TDLWD Rule 0800-01-03-.05(1)(a)1	Within eight (8) hours after the death of any employee as a result of a workrelated incident, the employer did not report the fatality to the TOSHA Division of the Tennessee Department of Labor and Workforce Development. In that the employer did not report the workplace employee fatality that occurred on September 9 th , 2015.
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Photo 1 of 1 – This photo shows where the victim was standing in relationship to the stack of logs that were being moved by the skidder to the landing zone.